

Langley Bottom Farm Langley Vale Road Epsom Surrey KT18 6AP

Ward:	Woodcote Ward
Site:	Langley Bottom Farm Langley Vale Road Epsom Surrey KT18 6AP
Application for:	Demolition of the existing buildings on the site and construction of twenty residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking. (Amended site location plan received 06.08.2020)
Contact Officer:	John Robinson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q711Y3GYHH300>

2 Summary

- 2.1 This is a major planning application and in accordance with Epsom and Ewell Borough Council's Scheme of Delegation, the application has been referred to the planning committee.
- 2.2 The application seeks permission for the demolition of the existing buildings on the site and the construction of twenty residential dwellings, together with associated access, landscaping and parking.
- 2.3 The scheme would provide a policy compliant eight affordable housing units. (Two 3-bed homes and six two-bed homes). Tenure split would be 1 x 3 bed and 1 x 2 bed intermediate affordable; 1 x 3 bed and 5 x 2 bed affordable rental)

- 2.4 The proposed development would constitute inappropriate development in the Green Belt and therefore by definition would be harmful to the Green Belt. The proposal would conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment as set out in para 134(c) of the NPPF and Core Strategy Policy CS2
- 2.5 The proposal represents inappropriate development in Green Belt and 'very special circumstances' have not been demonstrated to outweigh the harm caused to the Green Belt. Seen as a whole, and despite attributing significant weight to the housing benefits, the totality of the harm is not clearly outweighed by the other considerations. Consequently the very special circumstances necessary to justify the development do not exist and the proposed development would be contrary to the NPPF and Policy CS2 of the Core Strategy 2007
- 2.6 **The Application is recommended for REFUSAL**

3 Site description

- 3.1 The site, which is in open countryside and in the Green Belt, is located to the South of Langley Vale Road within a dipped area forming the base of a shallow valley. The site is bounded by fields, areas of newly planted woodland and the training course associated with the nearby Epsom Downs Racecourse. Close to the north is Langley Vale, a large area of residential development.
- 3.2 The site is accessed via a single-track road from Langley Vale Road, which also forms part of a bridleway. Currently the width of the track does not permit any passing opportunities for vehicles.
- 3.3 In terms of topography, the site sits close to the bottom of a 'valley', with the land either side rising towards the residential area of Langley Vale and to the west of the current farmyard. A bridleway follows the alignment of the Site's access road from Langley Vale Road and travels the length of the Site, to the south eastern boundary and beyond, along the lane which connects with Nohome Farm. A public footpath adjoins the lane which connects with Nohome Farm, and a public footpath adjoins the Site's north western boundary and crosses the field adjoining the northwest of the Site and connecting with the bridleway which runs along Langley Vale Road.
- 3.4 Views of the Site from Langley Vale Road, in close proximity to the Site's entrance are open. Views from the road corridors within Langley Vale are truncated due to intervening built form and vegetation.

- 3.5 There are open views of the Site from the bridleway to the south of the Site and from the Public Right of Way to the west.
- 3.6 Views of the Site from residential receptors are wholly truncated due to intervening built form, topography and vegetation.
- 3.7 There are partial views of the Site from the bridleways to the west, south and southeast of the Site. From these locations, the built form is apparent, due its height and large scale.
- 3.8 Views of the Site from the wider study (highways) area, are wholly truncated due to intervening vegetation, topography and built form.
- 3.9 The site was historically a working farm and the applicant submits that this use ceased in 2014. The site is currently occupied by cluster of buildings that include a residential building, car workshop building with associated break down recovery hard standing area, and a Danish Barn used as an auction room. Planning permission for the Danish Barn for a change of use to an auction room has been granted and certificate of lawfulness for the parking of breakdown vehicles (both granted in 1999) whilst a number of other commercial uses have existed at the site in excess of 10 years. There are also a number of redundant agricultural structures including a number of silos. Many of the buildings have been extended or altered over the years to accommodate changes in farming practices and needs.
- 3.10 The site is located within Flood Zones 1 (low probability of flooding), however the site is located within Flood Zones 2 and 3 (high risk of flooding) in relation to surface water runoff.
- 3.11 The site is designated as an Area of Great Landscape Value. The site is not listed, nor does it fall within a Conservation Area.

4 Proposal

- 4.1 Permission is sought for the demolition of the existing buildings on the site and construction of twenty (20) residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking.
- 4.2 The mix of units would comprise ten 2-bedroom homes, six 3-bedroom homes and four 4-bedroom homes. The eight homes allocated as affordable comprise two 3-bed homes and six two-bed units.

- 4.3 The layout would comprise the central access road, with dwellings units either facing the road or turned to face outwards, with single storey “cart-barn” structures that would house cycle storage and car parking spaces.
- 4.4 The proposed units would comprise three elements: firstly, the houses on either side of the road at the entrance to the site would be designed to represent agricultural workers cottages; secondly, the middle houses have been designed as barn style structures and finally, the units nearest the existing farmhouse are shown to represent “grain store” type buildings. The new units have a variety of eaves and ridge heights
- 4.5 A traditional palette of facing materials and details would be utilised, including brick, stone and horizontal boarding; all sat under either small format tiles or slate roofs.
- 4.6 The proposal would include the provision of 34 parking spaces and 32 cycle spaces.
- 4.7 The access to the site for both vehicles and pedestrians would be via the existing track, which would have a shared surface road finish as a response to the Bridleway Public Right of Way that runs alongside the current driveway.

5 Consultations

- 5.1 The applicants Planning Statement sets out the engagement with local residents as follows:

Ahead of the submission of the application, in January 2020, 350 leaflets providing details of the development proposals for the site were circulated to the houses surrounding the site in Langley Vale. The applicant also met with two ward councillors to explain the proposals for the site.

Comments from third parties

- 5.2 The application was advertised by means of letters of notification to 56 neighbouring properties, a site and press advert. 4 letters of support and 171 letters of objection were received and are summarised as follows:
- Highway safety
 - Impact on environment
 - Traffic impact
 - Highway safety
 - Low water pressure
 - Impact on Green Belt

- Flooding
- Loss of farm
- Lack of infrastructure
- Out of character

Epsom Civic Society: ECS strongly object to this scheme due to the required release of this valuable Green Belt parcel of land and the precedent it would set for similar Epsom Green Belt locations.

Woodcote Residents Society: it is considered in the overall planning balance that the development would cause substantial harm to the openness of the Green Belt, to the character and appearance of the site and surrounding rural area, to access and road safety and that it would be in an unsustainable location with respect to travel, all contrary to adopted development plan policies which are consistent with the NPPF. The application should therefore be refused.

Revised Application

5.3 During the application's determination, the applicant amended the "red line" boundary of the site to incorporate improvements to the site access. Officers reconsulted on the scheme for a further 21 days. (12.08.2020 – 02.09.2020) 11 letters of objection were received and are summarised as follows:

- Loss of access to footpaths.
- Insufficient parking
- Building in the Green Belt
- Impact on character
- Design
- Unsustainable location
- Loss of existing uses
- Impact on the racehorses that need access though the farm to the gallops
- Highway safety
- Contrary to Policy DM3, and that, in particular, it would significantly impact the openness of the area, an essential feature of Green Belt designation.

- Agricultural buildings are not included within the National Planning Policy Framework's definition of sites where redevelopment for non-farming purposes is allowed within the Green Belt.
- The proposals would affect the openness of this Green Belt location. The rural nature of the existing site would be totally changed by the construction of a housing estate with its accompanying noise, traffic and visual and lighting intrusion

Statutory consultations

- 5.4 EEBC Design and Conservation Officer: I have no objections on conservation grounds and the design of the building is of acceptable quality. However, the layout of the development is rather disappointing. (The arrangement of the houses does not appear as sympathetic to each other as they might be. If developed around elevations rather than focal areas the development would be improved by having more of each elevation given over to house rather than parking bays)
- 5.5 EEBC Tree Officer: No objections. Recommends conditions.
- 5.6 EEBC Contaminated Land Officer: This site is known to have had a refuse tip and also an infilled pond. I recommend that appropriate condition be included on any consent granted.
- 5.7 EEBC Ecology Officer: No objections. Recommends conditions
- 5.8 SCC Highways: No objections. Recommends obligations , conditions and informatives
- 5.9 SCC SuDS Officer: No objection. Conditions to be imposed should planning permission be granted
- 5.10 Environment Agency: We have assessed the proposed development as having a low environmental risk. We therefore have no comments to make.
- 5.11 SCC Archaeology Officer: Given the generally low archaeological potential of the site and the degree of modern disturbance, it is unlikely that any Heritage Assets of archaeological significance will remain in situ. As such, I recommend that there is no requirement for any further archaeological consideration in respect of this application.
- 5.12 Natural England: No objections
- 5.13 Mole Valley District Council: No objections

5.14 Reigate and Banstead Borough Council: No comments

6 Relevant planning history

Application number	Decision date	Application detail	Decision
03/00294/FUL	06.08.2003	Change of use from danish barn to auction room	GRANTED
90/00128/FUL	21.05.1990	Erection of barn for hay storage.	GRANTED
94/00732/FUL	18.08.1995	Erection of farm managers house following demolition of existing farm building.	GRANTED

7 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development
 Paragraphs 8 – 12 and 14

Chapter 5 Delivering a sufficient supply of homes
 Paragraphs 59- 61, 68

Chapter 11 Making effective use of land
 Paragraphs 118, 122, 123

Chapter 9 Promoting sustainable transport
 Paragraphs 105-106, 108-111

Chapter 12 Achieving well-designed places
 Paragraphs 127, 130 and 131

Chapter 13 Protecting Green Belt Land
 Paragraphs 143 - 146

Chapter 15 Conserving and enhancing the natural environment
 Paragraphs 170,174, 175, 177, 178, 180, 182 and 183

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS2	Green Belt
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS8	Broad Location of Housing Development
Policy CS9	Affordable housing and meeting Housing Needs
Policy CS16	Managing transport and travel

Development Management Policies Document November 2015

Policy DM4	Biodiversity and New Development
Policy DM3	Replacement and extensions of buildings in the Green Belt
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM13	Building Heights
Policy DM12	Housing Standards
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy DM22	Housing Mix
Policy DM37	Parking Standards

Supplementary Planning Document 2015

Parking Standards for Residential Development

Epsom and Ewell Green Belt Study: Stage 1 2017

Epsom and Ewell Green Belt Study: Stage 2 2018

8 Planning considerations

The main considerations material to the determination of this application are:

- Loss of Existing Uses
- Presumption in favour of sustainable development
- Principle of Residential Development
- Green Belt
- Impact on Openness
- Purposes of the Green Belt
- Very Special Circumstances

- Affordable Housing
- Housing Mix
- Design Layout and Appearance
- Quality of Accommodation
- Impact on Neighbours' Residential Amenity
- Highways and Parking
- Sustainable Design
- Landscaping
- Ecology/Biodiversity
- Flood risk and Drainage
- Planning obligations
- Planning Balance and Conclusion

9 Loss of Existing Uses

9.1 Paragraph 121 of the NPPF states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. For example, the use of retail and employment land for homes in areas of high housing demand.

9.2 Policy DM24 relates to 'Employment Uses Outside of Existing Employment Policy Areas' and states that outside of the existing identified employment locations, proposals resulting in the loss of employment floorspace will not be granted planning permission unless it can be demonstrated that:

(i) The existing use has a significant adverse effect on residential amenity and there is no reasonable prospect that this effect can be alleviated while retaining the use; or

(ii) There is genuine evidence, including that the site has been marketed without success*, that the site, as it stands, is no longer suitable for its existing or other employment uses.

*The Council will require that the site has been marketed for a minimum period of 18 months at an appropriate rate for its location and condition

- 9.3 Concerns have been raised by residents regarding the loss of the farm. This has been taken into consideration by Officers in the assessment of this application.
- 9.4 The Planning Statement submitted in support of this application sets out the following:

The Woodland Trust acquired a large part of land associated with the farm in 2014 at which point it ceased to be a working farm. To this end, many of the former agricultural buildings on the site, including a number of silos, are now vacant or redundant. Even before this, uses at the site began to diversify as illustrated by the consent for the Danish Barn and certificate of lawfulness for the parking of breakdown vehicles (both granted in 1999) whilst a number of other commercial uses have existed at the site in excess of 10 years. As such, a number of buildings on the site are now home to commercial uses, including:

FG Marshall – Crematorium Books (Use Class B1 & B8), 6 employees on-site; Langley Vale Recovery – Storage (Use Class B8), No employees on-site; Prosser – Workshop for VW Camper Vans (Use Class B2), Two employees on-site; K Pearce – Storage (Use Class B8), No employees on-site; and Colin Davies – Storage (Use Class B8) No employees on-site.

The site is therefore no longer in agricultural use and is predominantly occupied by small-scale commercial uses (Use Class 'B').

- 9.5 The applicants submit that the nature of these uses, whilst they provide an employment function, generally provide few job opportunities, are small in scale and occupy buildings that are considered to be of poor quality. Furthermore, they state that as the tenants are on short-term leases at low rental rates, the contribution they make to the local economy is limited.
- 9.6 The application is supported by a Marketing Report, which sets out that the site has been marketed for 24 months, and over this period, an estimated 10% were specific enquiries, but for various reasons the site/location was not suitable. These reasons include:
- The rural location and problems in finding staff prepared to travel and work out of town.
 - The buildings were not secure enough for the quality of goods that were to be stored.
 - Security issues again with location away from the main road and public access out of sight with the public bridleway and footpath that runs through the site.

- Lack of services such as offices and WC's.

9.7 Whilst the site, as it currently stands, is suitable for its existing use, in light of the conclusions of the marketing assessment and limited contribution the existing uses make towards the local economy, Officers consider that their loss can be justified and that in line with guidance set out within paragraph 121 of the NPPF, alternative uses, such as new residential, should be considered at the site.

10 Presumption in favour of sustainable development

10.1 The site falls within the Green Belt and therefore Paragraph 11d (i) of the NPPF is engaged via footnote 6. This report will consider whether or not the Green Belt Policies in the NPPF provide a clear reason for refusal of the proposed development, and whether in terms of Para 11d (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

10.2 The Government's standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five year housing land supply, this has been increased to 695 under the housing delivery test, as published on 13 February 2020. The Local Planning Authority is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.

10.3 Paragraph 11d of the NPPF would be engaged via footnote 7 as the Local Planning Authority cannot demonstrate a five-year housing land supply. However the site is located in the Green Belt (an asset of particular importance confirmed via footnote 6) which provides a clear reason for refusal, and therefore the presumption in favour set out in para 11d is disapplied.

11 Principle of Residential Development

11.1 Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 59 sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

11.2 Chapter 11 of the NPPF relates to the effective use of land. Paragraph 117 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 11.3 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas, the emphasis will be on the re-use or conversion of existing buildings for housing. In principle, higher density development is directed to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This enables relatively lower densities to be applied to other parts of the built up area to help retain their character and local distinctiveness.
- 11.4 The site is not located within a Built Up Area, and is therefore contrary to Policy CS8. It is accorded significant negative weight in the planning balance.

12 Green Belt

- 12.1 The site is located within the Green Belt where new development is strictly controlled and is generally classed as inappropriate except in certain circumstances, which are set out within Paragraph 145 of the NPPF.
- 12.2 Chapter 13 of the National Planning Policy Framework 2019 sets out the Government's policy in relation to the Green Belt. Paragraph 133 establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts is their openness and their permanence. Para 134 states that the Green Belt serves five purposes:
- a) To check the unrestricted sprawl of large built-up areas;
 - b) To assist in safeguarding the countryside from encroachment;
 - c) To prevent neighbouring towns merging into one another;
 - d) to preserve the setting and special character of historic towns
 - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land'

- 12.3 Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: –
- not have a greater impact on the openness of the Green Belt than the existing development, or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need.
- 12.4 Policy CS2 of Core Strategy 2007 provides for the protection of the Green Belt, so that it shall serve its key functions, its existing general extent be maintained and, within its boundaries, strict control continue to be exercised over inappropriate development as defined by Government policy.
- 12.5 Concerns have been raised by residents regarding “Previously Developed Land”. This has been taken into consideration by Officers in the assessment of this application.
- 12.6 The applicants have sought to justify the proposed development on the grounds that the application site is “previously developed land” (PDL) and that by including an affordable housing element within the scheme, the acceptability in principle of the scheme within the Green Belt should be assessed in terms of the lower test set out in the second clause of Paragraph 145(g), that it “would not cause substantial harm to the openness of the Green” Belt.
- 12.7 The Glossary to the NPPF excludes from the definition of PDL, land that is, or was last occupied by agricultural or forestry buildings
- 12.8 Officers consider that the main farm buildings, and barns including the silos are still being used for farming purposes ie fodder storage, hay bale storage, farm machinery.
- 12.9 On that basis, despite the assertions by the applicant, the site as a whole is not to be regarded as PDL and NPPF paragraph 145(g) is not engaged for the purposes of this application. Accordingly, the proposed development would be inappropriate in the Green Belt, requiring very special circumstances to justify it.

13 Impact on Openness

- 13.1 Concerns have been raised by residents regarding the impact on the openness on the Green Belt. This has been taken into consideration by Officers in the assessment of this application.

13.2 The measure of openness is not confined to the consideration of spatial dimensions; the visual effects of height, site layout and the use of the spaces around the buildings also have a bearing on openness. The applicant has provided a Landscape Visual Impact Assessment and supporting Planning Statement to assist with the calculation of footprint, volume and potential harm on the Green Belt. The visual assessment element includes a photographic survey of the application Site taken from a series of representative key views, chosen to represent a range of locations including both public and private views, distances and directions around the site.

13.3 In terms of a volumetric approach to the question of openness, the applicants have provided comparative footprint and volume estimates of the proposal against the existing development.

	Coverage	Volume
All Existing buildings	2,950m ²	14,097m ³
All Proposed buildings:	1212m ²	7474m ³
Percentage Difference	-58.9%	-46.8%

All existing hardstanding:	2319m ²
All proposed hardstanding:	1202m ²
Percentage difference:	-48.1%

	Floor space	Volume
Existing PDL* Buildings:	1194m ²	5210m ³
All Proposed Buildings:	1212m ²	7474m ³

Percentage difference:	+1.5%	+43.5%
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Existing PDL Hardstanding:	1689m ²
Proposed Hardstanding:	1202m ²
Percentage difference:	-28.8%

**Previously Developed Land*

- 13.4 The proposals would result in a reduction in built form at the site, through a 24% reduction in footprint and a 42% reduction in volume. However these figures do not account for hardstanding or the spread of the development.
- 13.5 In purely superficial and volumetric terms therefore, the proposal would have a lesser effect on openness than the existing development.
- 13.6 In visual or perceived terms, the openness of the Green Belt derives from an absence of built development. The site itself is nestled within the valley bottom, surrounded by arable and pastoral fields.
- 13.7 The site is bounded by agricultural land to the west and east. To the north, Langley Vale Road corridor forms the defining boundary; whilst to the south, the Site is adjoined by a farmhouse, with access driveway, storage buildings and gardens. Agricultural fields lined with hedgerows and trees are situated beyond this to the south. A bridleway follows the alignment of the site's access road from Langley Vale Road and travels the length of the site, to the south eastern boundary and beyond, along the lane which connects with Nohome Farm.
- 13.8 Additionally, a public footpath adjoins the site's north western boundary and crosses the field adjoining the northwest of the Site and connecting with the bridleway which runs along Langley Vale Road. The site itself consists of a farm access road, lined with timber fencing, leading southeast from Langley Vale Road to the farmyard, which consists of large-scale barns and silos used for agricultural storage. In addition to this, cabins and industrial units have been constructed for office space and commercial / industrial premises, with areas of hard standing used for vehicle storage and parking. The site additionally includes part of the arable and pastoral field parcel to the north of the farmyard.

- 13.9 Mature trees and scrub planting along the northern boundary, together with the sloping topography of the adjacent landform, enclose the farmyard within the site. As such, due to the combination of topography and vegetation, views of the site, as indicated on Figure 4.1 and 4.2 of the submitted Landscape and Visual Impact Assessment and Landscape Design Strategy, are limited to the immediate environs of the site.
- 13.10 In most cases, the existing buildings would be replaced by dwellings of reduced height. The existing built form within the site ranges from single storey to four storey. The proposed dwellings would be two storeys, with single storey garage blocks.
- 13.11 The farmyard on the site is not open in character and instead forms a pocket of built form. The proposal would also introduce increased permeability across the site in an east- west direction, by the removal of the existing buildings and replacing them with buildings with significantly less footprints, separated by garden areas. (as indicated on Drawing No 1828/PL.42 Rev A

Character and Appearance of site, visual amenity

- 13.12 The proposed development would materially change the overall character of the application site. The proposed residential buildings, and ancillary development would identify it as residential site in contrast to its existing status as agricultural, commercial and industrial.
- 13.13 Parked vehicles, lighting and domestic development and paraphernalia could also have some effect on openness. However, irrespective of changes to siting, extent and landscaping, the proposed development's topographic location would limit impacts on openness caused by parked vehicles. Conditions to control boundary treatments, external facilities and to remove permitted development rights would avoid any further reductions in openness caused by the erection of ancillary development or paraphernalia associated with the residential use.
- 13.14 The lighting effects of the proposal would be different but no more harmful in openness terms than that caused by the existing use. Nor would the change of use of the site to a residential use itself have a tangible visual effect in openness terms
- 13.15 Existing built form of a low quality, large scale, mass and height would be demolished, and replaced with low scale and low density terraced housing 1½ - 2 storeys in height. The design approach to the form and massing indicates development that one would expect to find in a rural context including materials appropriate to the context and function of the development. The chosen materials compliment and blend into the natural surroundings, suggestive of barn/grain store conversions.

- 13.16 There would not be a material increase in the number of buildings and structures on the site. The proposal would result in the retention of the majority of trees and vegetation, with additional planting proposed along the boundaries together with street trees and associated planting.
- 13.17 The proposal would not be development out of character with a rural location and the design and overall use of materials would be contextually appropriate in this rural location. The scale of the proposed development is not considered to be obtrusive and would not have a significant impact on the openness of the Green Belt.

14 Purpose of the Green Belt

- 14.1 NPPF Paragraph 134 identifies that the GB serves five purposes. This section considers how the site performs in landscape and visual terms in relation to the five purposes.
- 14.2 A Green Belt Assessment, dated February 2017, was prepared to inform the preparation of EEBC's new Local Plan. It assesses parcels of Green Belt within the Borough against the five main purposes of Paragraph 134 of the NPPF. The Site sits within parcel one of the Green Belt study, which scores highly on two of the five purposes, including to check unrestricted sprawl of large built-up areas and assist in safeguarding the countryside from encroachment
- 14.3 The first of these is to check the unrestricted sprawl of large built up areas. The site is located within a semi-rural setting, surrounding by agricultural land and set with the backdrop of built form at Langley Vale, which is situated on top of the elevated ridgeline to the north. The Site, in landscape and visual terms, therefore fails to meet the requirements of purpose 1.
- 14.4 The second purpose of Green Belts is to prevent neighbouring towns from merging into one another. The site is located approximately 200m away from the village of Langley Vale, to the north. Langley Vale and the site lies between the settlements of Ashted, 1km to the west, Burgh Heath 1km to the east, and Epsom 1.2km to the north. The M25 is situated approximately 1.5km to the south. There is currently no inter-visibility between Langley Vale and the site with its surrounding settlements due to the intervening topography and extensive level of tree cover. The development of the site would therefore not result in a merger of built-up areas, due to the level of physical and visual containment the Site has within the wider landscape. The Site, in landscape and visual terms, therefore fails to meet the requirements of purpose 2.

- 14.5 The third purpose of including land in Green Belts is to assist in safeguarding the countryside from encroachment. From wider viewpoints, the topography is likely to lessen the development's visible impact. Whilst the applicants submit that the combination of existing site vegetation and adjacent field boundaries, plus the local topography provides clearly recognisable physical boundaries, the site is in the Green Belt, outside of the built-up area, and is clearly in the countryside. The Site, in landscape and visual terms, therefore meets the requirements of purpose 3.
- 14.6 The fourth purpose of including land in Green Belts is to preserve the setting of and special character of historic towns. The site is not within or adjoining a conservation area within an historic town and consequently it would not offend the fourth purpose of the Green Belt.
- 14.7 The fifth purpose of Green Belts, to assist in urban regeneration by encouraging the recycling of derelict and other urban land, would not be materially compromised by the proposed development.
- 14.8 In view of the above, the application site would serve the Green Belt purposes by way of safeguarding the countryside from encroachment. On this basis, the proposal would conflict with the purposes of the Green Belt as provided in Paragraph 134(c). The harm identified is considerable and in accordance with para 144 of the Framework must be given substantial weight in the planning balance
- 14.9 As harmful effects have been identified above, in terms of the purposes of the Green belt, very special circumstances would have to be demonstrated for the development to be acceptable. This report addresses these issues below.

15 Very Special Circumstances

- 15.1 The applicant has identified benefits arising from the proposal in relation to the provision of housing, the removal of the existing use, visual benefits, landscaping, biodiversity and environmental improvements.

Housing Provision

- 15.2 The Government's standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five-year housing land supply, this has been increased to 695 under the housing delivery test, as published on 13 February 2020. The Local Planning Authority is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.

- 15.3 The proposal would deliver 20 homes, 40% of which would be affordable. It is considered that the provision of identified affordable housing and additional market housing represents substantial weight in favour of the proposal.

Visual Improvements

- 15.4 The proposals would replace the existing unattractive buildings with a new sensitively designed residential development. Whilst the existing buildings are of archetypical agricultural design, the new buildings would have a marginally greater spread. Therefore, this benefit is assigned minor negative weight in the planning balance.

Improved Landscaping/Ecological Enhancements

- 15.5 The proposal would introduce additional key landscape components to improve the character of the site and introduce tree planting to create improvements to biodiversity and landscape character. Landscaping is a requirement of any high quality scheme.
- 15.6 The proposed development would enhance the ecology of the site, as several ecological enhancements are proposed. Enhancement measures for the proposed development would include native species buffer, hedgerow and tree planting as well as the creation of seasonally wet wildflower areas. Other enhancements would include installation of bat and bird boxes across the site, and the provision of hedgehog shelter opportunities.
- 15.7 The landscaping and ecological enhancements are considered to add moderate weight in favour of the proposal.

Environmental Improvements

- 15.8 A SuDS management train has been designed which comprises rainwater interception and re-use, individual house soakaways, permeable paving and a new swale and lateral interceptor drain arrangement. This will ensure that the proposed development will contribute to a reduction in overall surface water flood risk; provide water quality treatment benefits; deliver biodiversity enhancements; species as well as delivering a new sustainable drainage scheme which will lead to environmental improvements in the local area
- 15.9 The environmental benefits are considered to give moderate weight in favour of the proposal.
- 15.10 Officers conclude , however, is that these benefits do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the appeal proposal. Consequently, very special circumstances do not exist.

16 Affordable Housing

16.1 Paragraph 62 of the Framework states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities.

16.2 Paragraph 64 of the Framework states that

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

a) provides solely Build to Rent homes;

b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”

16.3 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.

16.4 In this regard, the proposal would provide a policy compliant 8 affordable units.

16.5 The proposal would therefore comply with Policy CS9. This level of provision of affordable housing should be afforded significant weight in the planning balance,

17 Housing Mix

- 17.1 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 17.2 Policy DM22 Housing Mix states that the Council considers that schemes must provide a minimum of 25% 3 bedroom units, however, exceptions will be accepted dependent on location and viability. A scheme of 20 units would be expected to provide 5 x 3 bedroom units.
- 17.3 The proposed scheme would provide 6 three-bedroom and 4 four-bedroom, which would exceed the requirements of Policy DM22.

18 Design, Layout and Appearance

- 18.1 Chapter 12 of the Framework refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 18.2 Paragraph 130 of the Framework sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 18.3 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 18.4 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.

- 18.5 Concerns have been raised by residents regarding the design of the proposed scheme. This has been taken into consideration by Officers in the assessment of this application.
- 18.6 The submitted Design and Access Statement sets out how the development has been designed taking into account the physical constraint and opportunities of the site. Account has been taken of the varying topography across site, with the siting, massing and layout taking account and designing out potential landscape and visual impacts.
- 18.7 The proposals would achieve a density of 22 dwellings per hectare (gross).
- 18.8 The access to the site for both vehicles and pedestrians would be via the existing track. This lengthy stretch of road would arrive at the entrance to the developed part of the site. The built form proposed is a direct response to the “farmyard” qualities of the existing site with its semi-rural character.
- 18.9 The dwelling units would sit on either side of the trackway that runs through the site, acknowledging the existing structures and their alignments.
- 18.10 The proposed units would comprise three elements: firstly, the houses on either side of the road at the entrance to the site would be designed to represent agricultural workers cottages (Plots 1-3 and 17-20); secondly, the middle houses have been designed as barn style structures (Plots 4-26 and 14-16) and finally, the units nearest the existing farmhouse are shown to represent “grain store” type buildings (Plots 7-13). The new units have a variety of eaves and ridge heights.
- 18.11 A traditional palette of facing materials and details would be utilised, including brick, stone and horizontal boarding; all sat under either small format tiles or slate roofs.
- 18.12 Overall, the proposed design is of a high quality, with high quality materials, and is an acceptable outcome for the site. Boundary treatment, enhanced landscaping and well considered building detailing will be secured by way of conditions to ensure the proposed design ethos carries through to construction. The buildings would be locally distinctive, and reflective of the rural nature of the site. The proposed access siting has been assessed and with the support of Surrey County Highways and through the imposition of conditions, would also be an acceptable design outcome.

- 18.13 It is therefore concluded that the proposed scheme in terms of its design, layout and access, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area, or on the openness of the Green Belt. It would therefore accord with the NPPF and Policies DM9 and DM10 of the Local Plan.

19 Quality of Accommodation

- 19.1 The Nationally Described Space Standards, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m² and a double bedroom should be no smaller than 11.5 m². All new units should be designed in accordance with the National Space Standards.
- 19.2 The application is proposing 20 units , comprising 10 two-bed dwellings, 6 three-bedroom dwellings and 4 four-bedroom dwellings
- 19.3 The proposed 2 bed (3 person) dwellings would have a Gross Internal Area of between 80m² and 82m², the 3 bed (4 person) dwellings an area between 86m² and 94m², and the 4 bed (5 person) dwellings an area of between 102m² and 112m²
- 19.4 All 20 units would meet the minimum internal GIA standards and minimum bedroom sizes as required by the National Space Standards below:
- 2 bed (3 person): 70m²
 - 3 bed (4 person): 84m²
 - 4 bed (5 person) : 97m²
- 19.5 It is therefore considered that the proposed units will have an acceptable level of internal amenity in compliance with Policy DM12

Private and Communal Amenity Space

- 19.6 Paragraph 3.36 of the supporting text for Policy DM12 (Housing Standards) states that to provide adequate private amenity space for development of houses, a minimum of 70m² of private amenity space for 3 or more bed dwellings should be provided, and 40m² for 2 bed dwellings should be provided.
- 19.7 The proposed dwellings would have access to private rear gardens ranging in area from 72m² to in excess of 130m² which would comply with Policy DM12

20 Impact on Neighbours Residential Amenity

- 20.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 20.2 The Framework, Paragraph 170 (e), states, that decisions should contribute to, and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.
- 20.3 Concerns have been raised by residents regarding light pollution and noise and disturbance. This has been taken into consideration by Officers in the assessment of this application.

Separation Distances

- 20.4 The nearest residential property in Langley Vale would be situated some 200m from the nearest proposed new dwellings. Light pollution arising from the proposed development would be different but no more harmful than that caused by the existing uses on the site. An appropriate condition requiring details of all external lighting to be submitted, should planning permission be granted, would further mitigate the impact of light pollution.
- 20.5 Therefore, subject to appropriate conditions it is not felt that there would be any adverse impacts on residential amenity.

Environmental Noise Impact Assessment

- 20.6 An Environmental Noise Impact Assessment has been submitted in support of this application. The assessment sets out that a noise survey was undertaken to determine the location's suitability for noise sensitive residential development. Unattended noise measurements have been completed at the site to characterise the existing ambient noise environment over day and night.
- 20.7 The noise assessment has indicated that the proposed internal noise levels in accordance with the relevant noise guidelines can be achieved.
- 20.8 The noise levels within the proposed development are likely to be within the guideline upper limit for external noise levels in external amenity spaces of 55 dB LAeq,16hr, with the majority of the site below the guideline level of 50 dB LAeq,16hr.

- 20.9 The nearest residential property in Langley Vale would be situated some 200m from the nearest proposed new dwellings. Therefore, it is not felt that there would be any adverse impacts on residential amenity, in terms of noise and disturbance.
- 20.10 The proposal is therefore compliant with paragraphs 170 and 180 of the NPPF, and Policy DM 10.

21 Highways and Parking

- 21.1 Paragraph 102 of the NPPF promotes the early consideration of the potential impact on the transport networks, promotion of sustainable transport means, identification of environmental impact and mitigating adverse effects and designing movement patterns and infrastructure into development.
- 21.2 Chapter 9 of the Framework relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 21.3 Paragraph 109 sets out that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 21.4 Paragraph 138 of the Framework indicates that releases of Green Belt land for development should take into account the need to promote sustainable patterns of development, with first consideration given to land which has been previously developed and/or is well-served by public transport.

- 21.5 Policy CS16 (Managing Transport and Travel) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 21.6 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 21.7 Concerns have been received from neighbours regarding the generation of additional traffic, and the impact of the development on the surrounding highway network. This has been taken into consideration by Officers in the assessment of this application
- 21.8 A Transport Assessment,(T/A) reference: ITL14122-006A, has been submitted in support of this application, accompanied by further Technical Notes (report references: ITL14122-007A TN and ITL14122-008A TN).

Proposed Car and Cycle Parking Provision

- 21.9 The Councils adopted car parking standards require the following minimum parking spaces:
- 1/2-bed houses – 1 space per unit;
 - 3-bed houses – 2 spaces per unit; and
 - 4-bed houses or larger – 3 spaces per unit.
- 21.10 The proposed development would be required to provide 34 spaces. 34 allocated spaces would be provided, with an additional 3 visitor spaces. This would comply with Policy DM37.

21.11 Cycle parking provision would be in line with the minimum levels identified in the Surrey County Council Vehicular and Cycle Parking Guidance. The minimum standard cycle parking levels for houses and flats are:

- 1/2-bed dwellings – 1 space per unit; and
- 3-bed dwellings – 2 spaces per unit.

21.12 Cycle spaces would be provided in cycle sheds within each rear garden.

Existing traffic Flows

21.13 The T/A sets out that classified vehicle counts undertaken in September 2018 indicate that the number of recorded vehicle movements is consistent with the active land uses present with 10-12 vehicle trips generated by 8-10 employees (Building 4 & 6), the Farmhouse and the storage uses in Buildings 1, 2, 3 and 5. (As shown on Image 2.2: Existing Site Plan, Transport Note ITL14122-008A TN)

21.14 The note concludes that the existing storage facilities and disused farm buildings could themselves generate daily traffic movements, which they do not at present. Therefore, the level of traffic generation associated with the site could increase beyond 10 -12-vehicle trips per day.

Traffic Generation and Impact

21.15 The Traffic Statements indicates that, based on vehicular trip rates derived from the TRICS database (agreed with officers at SCC), the proposed development is expected to generate:

- 11 two-way movements in the morning peak hour (one vehicle every five to six minutes); and
- 9 two-way movements in the evening peak hour (one vehicle every six to seven minutes).

21.16 The above trip generations are a reduction of one vehicle trip in both peak hours when compared to the trip generation of the existing site. The applicants submit that the proposed development would therefore result in an immaterial impact on the operation of the local highway network and the site access junction.

Site Access

21.17 The access to the site for both vehicles and pedestrians would be via the existing track, which would have a shared surface road finish as a response to the Bridleway Public Right of Way that runs alongside the current driveway.

21.18 Following concerns raised from SCC Highways, the applicant proposed a number of improvements to the surrounding road/pedestrian infrastructure. Works within the highway boundary would need to be secured and approved via a Section 278A agreement with SCC. The works proposed are as follows (set out on Drawing No : ITL14122-GA-011B)

- The provision of a 3m footway to the north of the site access along the eastern side of Langley Vale Road. This would provide a pedestrian route to the village of Langley Vale and its bus stops.
- Minor kerblines amendments to the site access; and
- The introduction of a dropped kerb with tactile paving.
- Provision of a new standard Vehicle Activated Sign (VAS) displaying the speed limit (a 450mm roundel) and 'SLOW DOWN'. This would be visible to northbound traffic and would replace the existing VAS in place, which is no longer working.

21.19 The highway improvements would be secured by a S278 legal agreement

Site Access Road/Bridleway Improvements

21.20 The existing access currently operates as a shared surface for motor vehicles, cyclists, pedestrians, and equestrians. Following discussions with SCC Highways, the following improvements are proposed (Drawing No : ITL14122-GA-012B).

- A 2m 'virtual footway' would be introduced where the access road widens to 5.5m to provide a route for pedestrians. This would be demarcated by green coloured surfacing and would be "over-runnable" to allow cars to move into this area when vehicles pass one another
- Signage would be introduced at either end of the access road denoting "Public Bridleway – Give Way to Non-Motorised Users" (or similar) to ensure that all cyclists, pedestrians and equestrians would have priority over motor vehicles; and
- The entire access road would be fully resurfaced using a gritted treatment suitable for equestrians

Refuse Collection

21.21 The applicant has provided swept path assessment drawings for servicing by refuse and emergency vehicles. A refuse strategy plan illustrating the refuse storage areas, collection points has also been provided. All of the details were considered acceptable by the EEBC Waste Manager

Conclusion

21.22 Officer consider that the proposed scheme, with the proposed improvements secured by appropriate conditions would not lead to an adverse impact on highway safety and would comply with para 109 of the NPPF.

Sustainable Development/Accessibility

21.23 Concerns have been raised regarding the sustainability of the site's location. This has been taken into consideration by Officers in the assessment of this application.

21.24 The applicant submits that the site is well connected to a number of local walking and cycle routes including Public Right of Ways, bridleways and signed cycle routes) and is located in close proximity to bus stops within Langley Vale (served by a bus every two hours to Epsom). Furthermore, three mainline railway stations are located nearby (Epsom, Epsom Downs and Tattenham Corner) providing commuting services to London. The applicant concludes that the site is located in an area where appropriate opportunities for sustainable modes of transport can be utilised

21.25 Officers do not agree with the applicants submission on the following grounds:

- The site is located in a rural area, outside the designated built-up area of Epsom location. Epsom town centre is located some 3.5km north of the site.
- The nearest facilities (shop and school) are in excess of a 400m uphill walk from the site
- There are no dedicated cycling facilities along Langley Vale Road. Whilst there are a number of bridleways and other cycle routes providing access into Epsom Town Centre, these are at a circuitous and considerable distance from the application site

- The nearest bus stops to the site are located on Grosvenor Road and Rosebery Road, some 550m and 750m (uphill) walking distance from the centre of the site respectively. Bus route E5 which provides services to Epsom, is infrequent with a service of one bus every two hours)
- The closest railway station to the site is Tattenham Corner, located some 2km to the east of the site “as the crow flies”. There is no direct bus service to this station. The access road to the farm site is also a bridleway (BW33) which routes southward through the site, providing a direct 2.8km route (albeit steeply uphill) to Tattenham Corner Railway Station

21.26 It is clear the site is likely to be accessible by private motor car only, due to the location of the site being in excess of 400 metres from a bus stop, in excess of 800m from a train station, and in excess of 1.6km from Epsom town centre, which is the maximum distance most people would be prepared to walk to reach a destination.

21.27 Given the rural nature of the footways and bridleway (and the topography of the surrounding area) , it is considered likely that their use would be limited to recreational walking and not used for commuting, or shopping trips.

21.28 There is an imperative to promote sustainable transport in policy CS16 and in the Framework. Whilst transport is not the sole dimension of sustainable development, minor weight in the planning balance is assigned to the positive, social and environmental effects of the proposed development. Its significant conflict with policy CS16 and para 103 and 108 of the Framework is assigned substantial negative weight in the planning balance

22 Sustainable Design

22.1 Chapter 2 of the NPPF relates to achieving sustainable development. Paragraph 8 of the NPPF sets out that are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 22.2 Paragraph 149 of the Framework states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 22.3 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states that the Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development e.g. by using an appropriate layout, building design and orientation; minimise the energy requirements of construction; and encourage the use of renewable energy by the incorporation of production facilities within the design of the scheme.
- 22.4 A 'Sustainability, Energy and Sustainability Document, dated 27 November 2019, accompanies this application. The report provides an assessment of the following areas of sustainability in relation to the development proposal; minimising the energy requirements of construction, waste management, air quality, noise and light pollution, management of water and energy.
- 22.5 Key sustainability measures include:
- Water butts have been identified as a potential means of reducing potable water usage for external irrigation.
 - Key proposed passive design measures include low construction U values, low air-leakage rates and solar control glazing.
 - Energy efficient lighting is proposed throughout.
 - It is proposed for smart meters to be provided by utility supply companies.
 - High efficiency heat generation plant with automatic controls systems will aid in reducing fuel demands.
- 22.6 The proposal is considered to comply with Policy CS5

23 Landscaping

- 23.1 Chapter 15 of the Framework concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.

- 23.2 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
 - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.

Trees

- 23.3 There are no tree preservation orders relating to the site or to trees on its boundaries.
- 23.4 Vegetation on site is minimal and is limited to ornamental shrub planting adjacent to areas of car parking in the south of the site, plus native vegetation and trees along the south western boundary. The including a native cherry tree and Ash. Additionally along the south western boundary, two large evergreen cypress trees form a dominant feature on the boundary. Beyond the built form on the eastern boundary, native trees and hedgerow planting form the field boundary to the adjacent agricultural land.
- 23.5 To support the application an Arboriculture & Planning Integration Report dated February 2020, has been prepared by Arbortrack Systems Ltd.
- 23.6 Tree protection measures, (Appendix A Proposed Layout & Tree Protection Plan) including ground protection and hoarding around trees would protect the retained trees during construction. Appropriate landscaping and tree management would aid in the long term protection and health of the retained trees.
- 23.7 The report states that 29 trees or groups of trees were surveyed on or near the site. Of these, four are 'B' (moderate quality) category, twenty three are 'C' (low quality) category and two are 'U' unsuitable for retention.
- 23.8 The proposal would require the removal of three trees (35, 39 and 44) and the partial removal of the two groups of low quality trees/hedgerows (G33 and G45). Officers consider that this would be a low and acceptable impact and the new tree planting proposed through the site would prove appropriate mitigation for unavoidable tree losses, which will ensure that the landscape impact of the proposals is viewed positively in the planning balance.

Landscaping

- 23.9 A Landscape and Visual Appraisal has been submitted in support of this application, dated February 2020
- 23.10 The proposal will also result in the retention of the majority of trees and vegetation, with additional planting proposed along the boundaries together with street trees and associated planting. A proposed swale and attenuation basin will also be created along the northern boundary and will be sympathetically graded to tie in with the adjacent sloping landform. The swale and attenuation basin would be planted with wildflower meadow mix suitable for seasonally wet conditions.
- 23.11 Details of Hard and Soft Landscaping are shown on Drawing No 1005 PL01: Legend and Plant Schedule for Hard and Soft General Arrangement Drawings.
- 23.12 Hard Landscaping would comprise inter alia Grey tarmacadam to vehicular roads, tumbled concrete setts as rumble strips at key road transitions, permeable rustic brick paving to parking courtyards - herringbone pattern, red colour, and reclaimed brick paving to residential entrances - stretcher bond, grey colour;
- 23.13 Soft Landscaping would comprise inter alia: Existing trees and vegetation would be retained where possible along the boundaries to retain the character of site. The trees selected for the boundary / buffer would be predominantly deciduous in nature and located to help provide an improvement to habitats and to soften the built edge of the development.
- 23.14 In summary, the proposed landscaping would be of high quality, and would assist in creating a character responsive to the existing farmyard and rural setting. The proposal is therefore compliant with Policy DM5

24 Ecology/Biodiversity

- 24.1 Chapter 15 of the Framework relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 24.2 Policy CS3 sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat.

- 24.3 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 24.4 A Preliminary Ecological Appraisal and Extended Phase 1 Habitat Survey, dated has been submitted in support of this application.. Following the results of the survey, further protected species surveys were undertaken and an Ecological Impact Assessment was prepared.
- 24.5 The preliminary appraisal sets out that the site contains habitats of value to bats, breeding birds, dormice, reptiles and west European hedgehog. As such, in order to provide the required baseline ecological information for an accurate assessment of these impacts, the following specialist Phase 2 ecology surveys were recommended:
- Reptile presence/absence surveys (all suitable habitats);
 - Bat Emergence surveys and torching of buildings 3, 7, 10 and 11.
- 24.6 The Ecological Impact Assessment confirmed that no bats emerged from buildings 3, 7 10 or 11 during any of the bat emergence survey, indicating that bats are not currently roosting within these buildings. The following species of bat were recorded foraging and commuting across the site during all three of the emergence surveys: common pipistrelle, soprano pipistrelle, noctule, serotine and brown long-eared bat.
- 24.7 A reptile presence/likely absence survey was undertaken in June 2019 as recommended by the Preliminary Ecological Appraisal. No reptiles were found during these surveys, indicating that reptiles are not present on the site and no further mitigation will be necessary.
- 24.8 The report details enhancement measures for the proposed development, including native species buffer, hedgerow and tree planting as well as the creation of seasonally wet wildflower areas. Other enhancements include installation of bat and bird boxes across the site and the provision of hedgehog shelter opportunities.
- 24.9 The EEBC Ecologist has raised no concerns, and should planning permission be granted, the recommendations of the reports conditioned.
- 24.10 The proposal is considered to comply with Policy CS3 and DM4

25 Flood Risk and Drainage

- 25.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 25.2 Policy CS6 out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):
- has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
 - avoids increasing the risk of, or from, flooding.
- 25.3 The site is located within Flood Zones 1 (low probability of flooding), however the site is located within Flood Zones 2 and 3 (high risk of flooding) in relation to surface water runoff.
- 25.4 Concerns have been raised by residents regarding flood issues in the vicinity of the application site. This has been taken into consideration by Officers in the assessment of this application.
- 25.5 In support of this application, the applicant's consultant, Stantec Ltd., has prepared a Flood Risk Assessment, Sustainable Drainage Systems and Foul Water Strategy, dated 16th January 2020, project number: 41526500_66835. An FRA Addendum, dated 12th January 2021, report reference: 330201703 R1D1 was also submitted.
- 25.6 A SuDS management train has been designed which comprises rainwater interception and re-use, individual house soakaways, permeable paving and a new swale and lateral interceptor drain arrangement. This would ensure that the proposed development would contribute to a reduction in overall surface water flood risk; provide water quality treatment benefits; deliver biodiversity enhancements; and provide amenity benefits for the occupants of the new residential homes.

- 25.7 The Environment Agency's Flood Map for Surface Water indicates that a surface water flow pathway runs through the area for the proposed development. The proposed swale would serve to divert this flow pathway around the new residential homes in order to ensure that they will be safe and to preserve the overall discharge location of the existing surface water flow pathway. A series of check weirs would be included within the swale to slow down, store and treat the quality of the overland flow, and to provide opportunities for biodiversity enhancements.
- 25.8 A formal response from SCC Local Lead Flood Authority was received on 12 January 2020 raising no objections to the proposed drainage scheme. They recommend that suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.
- 25.9 The proposed development is considered to comply with Policy CS6

26 Planning Obligations

Community Infrastructure Levy

- 26.1 The scheme would be CIL liable

S106 Legal Agreement

- 26.2 The developer has agreed to a Section 106 agreement to settle obligations relevant to the application. The agreed obligations are as follows:

- Provision of eight affordable housing units (two 3-bed homes and six two-bed homes).
- Highway Works – confirmation of the Section 278 highways agreement and the associated works (see Drawings (ITL14122-GA-011 Rev B; ITL14122-GA-012 Rev B)

S278 Legal Agreement

- 26.3 Any works within the highway boundary (including alterations to the footway, bridleway and the proposed site access) would need to be secured and approved via a S278 Agreement with SCC Highways

27 Planning Balance and Conclusion

- 27.1 Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. However para 11 (d) footnote 7 , is not engaged as the site falls within the Green Belt (footnote 6)
- 27.2 Officers' assessment concludes that the proposed scheme would be inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. It is considered that the nature of the harm that would arise in this regard would result from conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. Consistent with paragraph 144 of the Framework, substantial weight is attached to this harm.
- 27.3 In addition to the definitional harm caused by the proposal's inappropriateness, the site's unsustainable location in terms of access to services, facilities and public transport, would be substantial in magnitude and significantly weighs against the proposal.
- 27.4 In terms of benefits, significant weight is attached to the proposal's contribution of 20 units (including 8 affordable units) to the Borough's housing supply
- 27.5 Other material factors that weigh in favour of the proposal include moderate economic, environmental and landscaping benefits and limited ecological benefits. Officers overall conclusion, however, is that these benefits do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the appeal proposal. Consequently, very special circumstances do not exist. As such, the proposal would not be sustainable development.

28 Recommendation

28.1 Planning permission is REFUSED on the following grounds:

- (1) The proposed development would constitute inappropriate development in the Green Belt and therefore by definition would be harmful to the Green Belt. The proposal would conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. The Council is not satisfied that the special circumstances put forward by the applicant are sufficient to outweigh the significant harm caused to this Green Belt site. The proposal therefore conflicts with policy CS2 of the Core Strategy 2007 and paragraphs 133, 134, 144 and 145 of the NPPF 2019**

- (2) **The proposed development is located within the Green Belt and it is without good public transport links. If the development is permitted, it would encourage journeys that would be heavily reliant on private transport. This would not comply with Policy CS16 of the Core Strategy 2007, and paragraphs 102 and 108 of the NPPF 2019**
- (3) **The adverse impacts of the scheme would significantly and demonstrably outweigh the benefits of the development including additional housing units when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is contrary to the NPPF 2019, and Policies CS2 and CS16 of the Core Strategy 2007**
- (4) **In absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) and para 64 of the NPPF 2019 in relation to the provision of eight affordable on-site units.**

Informative(s):

- (1) **In dealing with the application, the Council has implemented the requirement of the National Planning Policy Framework (NPPF) to work with the applicant in a positive and proactive way. We have assessed the proposal against all material considerations, including planning policies and any representations that may have been received and whilst planning permission has been refused regard has been had to the presumption to approve sustainable development where possible, as set out within the NPPF.**